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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,817	10/26/2000	Martin Theriault	016499-777	6414

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EXAMINER

PHAN, THIEM D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/698,817

Applicant(s)

THERIAULT ET AL.

Examiner

Tim Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 9-18,30 and 40-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,19-29 & 31-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The amendment filed on or about 23<sup>rd</sup> March 2004 has been fully considered and made of record.

#### *Election/Restrictions*

2. Applicants' election with traverse of Group I (Claims 1-8, 19-29 and 31-39) filed in 23<sup>rd</sup> March 2004 is acknowledged. The traversal is on the ground(s) that the examiner has not established a prima facie case of serious burden of examination of the inventions of Groups I, II and III all together in same class 29 but **different subclasses**. This is not found persuasive because the examiner has established a prima facie case having shown in Office Action filed on or about 20<sup>th</sup> November 2004, that the invention of Group I has a separate classification (Class 29, subclass 729) from the invention of Group II (Class 29, subclass 832) and Group III (Class 29, subclass 854). Moreover, the inventions of Groups I, II and III each have a separate status in the art and clearly have a separate field of search which would be non-coextensive.

In accordance with MPEP § 803, the examiner has demonstrated that the inventions of Groups I, II and III are each independent or distinct as claimed (filed in 11/20/03) and a serious burden would be placed on the examiner as discussed above. The requirement is still deemed proper and is therefore **made FINAL**.

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Claims 9-18, 30 and 40-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Groups II and III, there being no allowable generic or linking claim.

Applicants are required to cancel these nonelected Claims (9-18, 30 and 40-44) or take other appropriate action.

An Office Action on the merits of Claims 1-8, 19-29 and 31-39 now follows.

*Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-8, 19-29 and 31-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, since the specification as written fails to provide examples, fails to provide specific meaning of “without baking” (Cf. Claims 1, 6 and 7, line 4) or the like an artisan would not be capable to make or use the claimed invention.

Applicants have not disclosed any elements such as the specific temperature of “without baking” and processing steps of keeping such temperature without baking or the like ... , and therefore it is held that an artisan would not be able to carry out the claimed invention without undue experimentation. What tools or devices are used to implement the “dry atmosphere without baking at -100 degrees C” ? 0 degrees C” ? or 200 degrees C” ? What is a baking temperature of a component such as resistor, capacitor, transistor, hybrid circuit, cryogenic sensor chip or stripline at microwave frequencies, which enables this invention to work ? Is the baking temperature the same for all semiconductor chips ? Applicants fail to provide such basic information. Applicants perhaps can submit Affidavits from those having ordinary skill in the semiconductor as well as the thermo-stress and testing arts to overcome this rejection. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

### ***Claim Rejections - 35 USC § 103***

5. The rejected claims 1-8,19-29 and 31-39 which were rejected in Office Action mailed on 14<sup>th</sup> November 2003 under 35 USC 103 are further rejected under 35 USC 103 herein for substantially the same reasons as provided in the previous Office Action (which is incorporated herein and made a part hereof).

***Response to Arguments***

6. Applicants' arguments filed on or about 3/23/04 have been fully considered but they are not persuasive for the following reasons:

Applicants recite *inter alia* "... delivery of a dry gas to the storage are" (Cf. Claims 1, 6 and 7, line 8; Remarks, pages 4 and 5). The Patent Office's position, as stated in the preceding Action, was and continues to be that since the '682 teaches an automated pick and place machine attached to the oven with the pressurization control system to lower the temperature as well as the water vapor, in addition to the application of inert gas or other fluid to purge the oven during operation or non-used periods (C. Col. 4, lines 32-34 & 58 ff.); there is indeed dry gas delivered to a storage area.

Furthermore the Office saith not.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

**THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 703-605-0707. The examiner can normally be reached on Monday - Friday, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter VO can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Tim Phan  
Examiner  
Art Unit 3729



CARL J. ARBES  
PRIMARY EXAMINER

tp  
June 4, 2004